



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 17, 2009

The Honorable Bobby Scott
Committee on the Judiciary
United States House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

Dear Congressman Scott:

(U) Thank you for your letter of October 5, 2009, requesting that the Department of Justice work to provide additional public information on the use of Section 215 of the USA PATRIOT Act.

~~(TS//SI//NF)~~ Public discussion of the highly classified uses of Section 215 authority, including the bulk collection program conducted thereunder, is problematic because it would expose sensitive sources and methods involved in this critical intelligence collection activity. Because we are concerned that public disclosure would cause serious damage to national security, we cannot disclose publicly that Section 215 is used for bulk collection of telephony metadata. We do agree, however, that it is important that Members of Congress have access to information about this program, as well as a similar collection program conducted under the pen register/trap and trace authority of FISA, when considering reauthorization of the expiring USA PATRIOT Act provisions.

~~(TS//SI//NF)~~ The Department has therefore worked with the Intelligence Community to prepare a document that describes these two collection programs, the authorities under which they operate, the restrictions imposed by the Foreign Intelligence Surveillance Court, the National Security Agency's record of compliance, and the importance of these programs to the national security of the United States. We believe that making this document available to all Members of Congress is an effective way to inform the

~~TOP SECRET//SI//NOFORN~~

Classified by: Assistant Attorney General, NSD

Reason: - 1.4(c)

Declassify on: 11 December 2034

legislative debate about reauthorization of Section 215 and any changes to the FISA pen register/trap and trace authority. We are working with both the House and Senate leadership and the Intelligence Committees to make this document available to all Members of Congress, as well as cleared leadership, intelligence and judiciary committee staffs, subject to strict rules designed to ensure that there is an understanding of the importance to national security of maintaining the secrecy of these programs.

(U) We look forward to continuing to work with you and your staff as the Congress continues its deliberations on reauthorizing the expiring provisions of the USA PATRIOT Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Weich', written in a cursive style.

Ronald Weich
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 17, 2009

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Conyers:

(U) Thank you for your letter of October 5, 2009, requesting that the Department of Justice work to provide additional public information on the use of Section 215 of the USA PATRIOT Act.

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Ronald Weich
Assistant Attorney General

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Office of the Assistant Attorney General

Washington, D.C. 20530

December 17, 2009

The Honorable Jerrold Nadler
Committee on the Judiciary
United States House of Representatives
2334 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Nadler:

(U) Thank you for your letter of October 5, 2009, requesting that the Department of Justice work to provide additional public information on the use of Section 215 of the USA PATRIOT Act.

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Ronald Weich
Assistant Attorney General